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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/685,169

10/13/2003

Martin Kolb

6570P003

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45062 7590 06/15/2007
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EXAMINER

MEHRMANESH, ELMIRA

ART UNIT

PAPER NUMBER

2113

MAIL DATE

DELIVERY MODE

06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,169

Applicant(s)

KOLB, MARTIN

Examiner

Elmira Mehrmanesh

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to an RCE filed on April 12, 2007 for the application of KOLB et al., for a "SYSTEM AND METHOD FOR TESTING APPLICATIONS AT THE BUSINESS LAYER" filed October 13, 2003.

Claims 1-27 are pending in the application.

Claims 1-4, 8-16, 20-23, and 26 have been amended.

Claims 1-27 are rejected under 35 USC § 102.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Robertson (U.S. Patent No. 6,697,967).

As per claim 1, Robertson discloses a method for recording a test script (Fig. 1) comprising:

providing a user interface (Fig. 1, element 11) for entering data and triggering one or more operations to process the data (col. 7, lines 1-9)

translating the data and operations to a business layer format (col. 7, lines 37-42)
receiving results of the data and operations in a business layer format (col. 7,
lines 17-23)

storing the entered data, operations and results in the business layer format
within a test script, the test script usable to test an instance of an application at a
business layer of the application (col. 7, lines 24-42).

As per claim 2, Robertson discloses converting the business layer formatted
data, operations and results into a location and/or language-neutral format prior to
storing (col. 7, lines 37-42).

As per claim 3, Robertson discloses the location-neutral or language-neutral
format is based on a predefined XML schema (col. 7, lines 49-54).

As per claim 4, Robertson discloses providing the translated data and operations
to a presentation layer, the presentation layer preparing the data and operations
according to predefined presentation logic, generating the results of the data and
operations, and providing the results to a user interface, the user interface displaying
the results of the operations to a user (col. 5, lines 30-53).

As per claim 5, Robertson discloses storing the entered data within a test data
container (Fig. 4, element 44) rather than directly within the test script, the entered data

accessible while testing the instance of the application via a command interface of the test script (col. 7, lines 37-42).

As per claim 6, Robertson discloses the user interface comprises a browser, the method further comprising: initializing the browser with a uniform resource locator ("URL"), the URL having a first component identifying an application from which the test script is to be recorded and a second component specifying parameters for recording of the test script (col. 7, lines 1-9).

As per claim 7, Robertson discloses one of the parameters comprises a location where said test script is to be stored (col. 8, lines 8-21).

As per claim 8, Robertson discloses a method for testing an application (Fig. 1) comprising:

transmitting business layer data and associated operations to an instance of a business layer of an application (Fig. 6, element 42), the application processing the business layer data and associated operations (col. 7, lines 1-23)

receiving business layer results of the associated operations at a test control program (col. 7, lines 17-23)

comparing the business layer results to recorded business layer results to determine whether the application is functioning properly (col. 4, lines 56-63) and (col. 8, lines 1-7).

As per claim 9, Robertson discloses formatting the business layer data and associated operations in a location-neutral or language-neutral format prior to providing the business layer data to the instance of the business layer (col. 7, lines 37-42).

As per claim 10, Robertson discloses the location-neutral or language-neutral format is defined by an XML schema (col. 7, lines 49-54).

As per claim 11, Robertson discloses formatting the business layer results in a location-neutral or language-neutral manner (col. 7, lines 37-42).

As per claim 12, Robertson discloses reading business layer data and associated operations from a test script stored on a test workstation (col. 7, lines 1-9).

As per claim 13, Robertson discloses a test system comprising:

- a user interface (Fig. 1, element 11) to receive data and an indication of one or more specified operations to process the data (col. 7, lines 1-9)
- a business layer to process the data according to the specified operations (col. 7, lines 37-42) and to generate results of the operations (col. 7, lines 24-36)
- a test application to receive results of the data and operations in a business layer format from the business layer (col. 7, lines 17-23)
- and to transfer the data, operations and results of the data and operations to a test control program (col. 7, lines 24-36)

a test script to store the entered data (col. 7, lines 4-9), operations and results in the business layer format, the test script usable to test an instance of an application within the business layer of the application (col. 7, lines 24-42).

As per claim 14, Robertson discloses a conversion module to convert the data, operations and/or results into a location-neutral or language-neutral format prior to storing (col. 7, lines 37-42).

As per claim 15, Robertson discloses the location-neutral or language-neutral format is based on a predefined XML schema (col. 7, lines 49-54).

As per claim 16, Robertson discloses a presentation layer to prepare the data and operations according to predefined presentation logic to display the data and/or operations within a graphical user interface (col. 5, lines 30-53).

As per claim 17, Robertson discloses a test data container (Fig. 4, element 44) to store the entered data, the entered data accessible while testing the instance of the application via a command interface of the test script (col. 7, lines 37-42).

As per claim 18, Robertson discloses a browser initialized with a uniform resource locator ("URL"), the URL having a first component identifying an application

from which the test script is to be recorded and a second component specifying parameters for recording of the test script (col. 7, lines 1-9).

As per claim 19, Robertson discloses one of the parameters comprises a location on a network where said test script is to be stored (col. 8, lines 8-21).

As per claim 20, Robertson discloses an article of manufacture including program code which, when executed by a processor, cause the processor to perform the operations of:

providing a user interface (Fig. 1, element 11) for entering data and triggering one or more operations to process the data (col. 7, lines 1-9)

translating the data and/or operations to a business layer format (col. 7, lines 37-42)

receiving results of the data and operations in a business layer format (col. 7, lines 17-23)

storing the entered data, operations and results in the business layer format within a test script, the test script usable to test an instance of an application at the business layer of the application (col. 7, lines 24-42).

As per claim 21, Robertson discloses converting the data, operations and results into a location-neutral or language-neutral format prior to storing (col. 7, lines 37-42).

As per claim 22, Robertson discloses the location-neutral or language-neutral format is based on a predefined XML schema (col. 7, lines 49-54).

As per claim 23, Robertson discloses providing the translated data and operations to a presentation layer, the presentation layer preparing the data and operations according to predefined presentation logic, generating the results of the data and operations, and providing the results to a user interface, the user interface displaying the results of the operations to a user (col. 5, lines 30-53).

As per claim 24, Robertson discloses storing the entered data within a test data container (Fig. 4, element 44), the entered data accessible while testing the instance of the application via a command interface of the test script (col. 7, lines 37-42).

As per claim 25, Robertson discloses the user interface comprises a browser to perform the operations of: initializing the browser with a uniform resource locator ("URL"), the URL having a first component identifying an application from which the test script is to be recorded and a second component specifying parameters for recording of the test script (col. 7, lines 1-9).

As per claim 26, Robertson discloses one of the parameters comprises a location on a network where the test script is to be stored (col. 8, lines 8-21).

As per claim 27, Robertson discloses storing data related to the user interface, the data related to the user interface usable to perform checks on the presentation level data (col. 5, lines 35-44).

Response to Arguments

Applicant's arguments filed April 12, 2007 have been fully considered but they are not persuasive.

As per claims 1, 13, and 20, in response to the applicant's arguments that Robertson does not teach, "storing the entered data, operation, and results in the business layer within a test script", the Examiner respectfully disagrees and would like to point out to the description of figure 5. Noting col. 7, lines 55-67 through col. 8, lines 1-21, wherein Robertson discloses first, a user enters a script through httpd user interface 41, Httpd user interface 41 transmits the script to connections/test server 43 via master process server 42. Connections/test server 43 parses the script into its component parts. Connections/test server 43 then begins to send out commands according to the test script. When it reaches the <make_connection> command, connections/test server 43 **retrieves the <testset> and <switch> blocks of the <connection> block of the script (which had previously been stored)** and sends each part to its respective server (i.e., the <testset> block to test set 44 and the <switch> block to switch 45.) These commands are routed through httpd user interface 41 and master process server 42 to the respective servers. Each of the test set and switch servers (44 and 45) then executes the corresponding commands. It is therefore

apparent that the entered data, operations and results in the business layer are stored within a test script.

As per claim 8, in response to the applicant's arguments that Robertson does not teach, "transmitting business layer data...to an instance of a business layer of an application", the Examiner respectfully disagrees and would like to point out that Robertson discloses transmitting the business layer data (col. 7, lines 4-23) from a business layer (Fig. 4, element 42, *master process server*) that comprises a simple CGI which essentially serves as a wrapper around the libraries for the other equipment (e.g., the test set.) Master process server 42 is configured to forward scripts from the httpd user interface to the connections/test server, and to forward/translate commands originating with the connections/test server to the test sets and switches.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elmira Mehrmanesh whose telephone number is (571) 272-5531. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


Art Unit: 2113

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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